

Permit No. **VPA00012**  
Effective Date: **TBD**  
Expiration Date: **TBD**

AUTHORIZATION TO MANAGE POLLUTANTS UNDER THE  
VIRGINIA POLLUTANT ABATEMENT PERMIT  
AND THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the State Water Control Law and the Permit Regulations pursuant thereto, the following owner is authorized to manage pollutants in conformity with the application, plans, specifications and supporting data submitted to the Department of Environmental Quality and other conditions set forth in this permit.

Owner Name: Bristow Manor Partnership  
Owner Address: 9058 Copeland Parkway, Bristow, VA 20136  
Facility Name: Bristow Manor Golf Club WWTP  
County: Prince William  
Facility Location: 11507 Valley View Drive, Bristow, VA 22013

The authorized pollutant management shall be in accordance with this cover page, Part I – Monitoring Requirements and Special Conditions and Part II – Conditions Applicable to all VPA Permits, as set forth herein.

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Thomas A. Faha  
Director, Northern Regional Office  
Department of Environmental Quality

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Date

**A.1 Influent Limitations and Monitoring Requirements**

During the period beginning with the permit's effective date and lasting until the expiration date, the permittee is authorized to manage the following parameter at the Bristow Manor Golf Club WWTP. This parameter shall be monitored by the permittee as specified below.

<u>Parameter</u>	<u>Influent Limitation</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow <sup>(1)</sup>	NL	Continuous	Recorded <sup>(2)</sup>

**A.2 Effluent Limitations and Monitoring Requirements – Wastewater Plant Effluent – Before the Holding Pond**

During the period beginning with the permit's effective date and lasting until the expiration date, the permittee is authorized to manage the following parameters at the Bristow Manor Golf Club WWTP. The parameters shall be limited and monitored by the permittee as specified below.

<u>Parameters</u>	<u>Effluent Limitations</u>	<u>Frequency</u>	<u>Sample Type</u>
pH <sup>(3)</sup>	6.0 – 9.0 S.U.	1/D	Grab
BOD <sub>5</sub>	30 ppm Monthly Average	60 ppm Maximum 1/M	Grab
Total Suspended Solids (TSS)	30 ppm Monthly Average	60 ppm Maximum 1/M	Grab
Oil and Grease	NL (ppm)	1/M	Grab
<i>E. coli</i> (Geometric Mean)	11 n/100 mL	1/W	Grab
Total Kjeldahl Nitrogen (TKN)	NL (ppm)	1/M	Grab
NO <sub>2</sub> + NO <sub>3</sub> as Nitrogen	NL (ppm)	1/M	Grab
Plant Available Nitrogen	NL (lb/acre)	1/M	Calculated
Plant Available Nitrogen (Year to Date) <sup>(4)</sup>	NL (lb/acre)	1/M	Calculated
Plant Available Nitrogen (Annual Total) <sup>(4)</sup>	NL (lb/acre/year)	1/Y	Calculated
Phosphorus (P <sub>2</sub> O <sub>5</sub> )	NL (ppm)	1/M	Grab
Phosphorus (P <sub>2</sub> O <sub>5</sub> ) (Year to Date) <sup>(5)</sup>	NL (lb/acre)	1/M	Calculated
Phosphorus (P <sub>2</sub> O <sub>5</sub> ) (Annual Total) <sup>(5)</sup>	NL (lb/acre/year)	1/Y	Calculated
Potassium (K <sub>2</sub> O)	NL (ppm)	1/M	Grab
Magnesium, Total	NL (ppm)	1/M	Grab
Calcium, Total	NL (ppm)	1/M	Grab
Sodium, Total	NL (ppm)	1/M	Grab
Sodium Adsorption Ratio (SAR) <sup>(6)</sup>	NA	1/M	Calculated
Boron, Total	NL (ppm)	1/3Y <sup>(7)</sup>	Grab
Copper, Total	NL (ppm)	1/3Y <sup>(7)</sup>	Grab
Iron, Total	NL (ppm)	1/3Y <sup>(7)</sup>	Grab
Manganese, Total	NL (ppm)	1/3Y <sup>(7)</sup>	Grab
Zinc, Total	NL (ppm)	1/3Y <sup>(7)</sup>	Grab

**A.3 Effluent Limitations and Monitoring Requirements -- Wastewater in the Holding Pond**

During the period beginning with the permit's effective date and lasting until the expiration date, the permittee is authorized to manage the following parameters at the Bristow Manor Golf Club WWTP Holding Pond. The parameters shall be limited and monitored by the permittee as specified below.

<u>Parameters</u>	<u>Effluent Limitations</u>	<u>Frequency</u>	<u>Sample Type</u>
Volume in Storage	NL (MG)	1/M	Calculated
Holding Pond Freeboard <sup>(8)</sup>	2 ft. minimum	1/M	Measured

**A.4 Effluent Limitations and Monitoring Requirements -- Wastewater after the Holding Pond**

During the period beginning with the permit's effective date and lasting until the expiration date, the permittee is authorized to manage the following parameters after the Bristow Manor Golf Club WWTP Holding Pond while withdraw from the pond is occurring. The parameters shall be limited and monitored by the permittee as specified below.

<u>Parameters</u>	<u>Effluent Limitations</u>	<u>Frequency</u>	<u>Sample Type</u>
Total Residual Chlorine <sup>(9)</sup>	2.0 ppm minimum	1/D	Grab
<i>E. coli</i> (Geometric Mean)	11 n/100 mL	1/W	Grab

**A.5 Effluent Limitations and Monitoring Requirements -- Wastewater Application to the Spray Field**

During the period beginning with the permit's effective date and lasting until the expiration date, the permittee is authorized to manage the following parameters at the Bristow Manor Golf Club WWTP Spray Field during periods of irrigation. The parameters shall be limited and monitored by the permittee as specified below.

<u>Parameters</u>	<u>Effluent Limitations</u>	<u>Frequency</u>	<u>Sample Type</u>
Hourly Irrigation Rate	See Special Condition 10	1/D	Calculated
Daily Irrigation Rate	See Special Condition 10	1/D	Calculated
Weekly Irrigation Rate	See Special Condition 10	1/W	Calculated
Total Volume to Site per Month	gal/acre/month	1/M	Calculated
Total Volume to Site per Year	gal/acre/year	1/Y	Calculated

**A.6 Effluent Limitations and Monitoring Requirements -- Groundwater Monitoring**

During the period beginning with the permit's effective date and lasting until the expiration date, the permittee is authorized to manage the following parameters at the Bristow Manor Golf Club WWTP monitoring wells in accordance with the approved groundwater monitoring plan. The parameters shall be monitored by the permittee as specified below.

<u>Parameters</u>	<u>Limitations</u>	<u>Frequency</u>	<u>Sample Type</u>
Static Water Level <sup>(10)</sup>	NL ft/in	1/3M	Measured
pH <sup>(10)</sup>	NL S.U.	1/3M	Grab
Conductivity <sup>(10)</sup>	NL µmhos/cm	1/3M	Grab
Chloride <sup>(10)</sup>	NL ppm	1/3M	Grab
Nitrate-Nitrite, as N <sup>(10)</sup>	NL ppm	1/3M	Grab
Alkalinity as CaCO <sub>3</sub> <sup>(10)</sup>	NL ppm	1/3M	Grab
<i>E. coli</i> <sup>(10)</sup>	NL n/100 mL	1/3M	Grab

- (1) The design flow is 11,036 gpd
- (2) At the pump house, prior to the wastewater treatment plant.
- (3) A properly calibrated pH meter shall be used for analysis of the wastewater.
- (4) The total loading shall not exceed the Plant Available Nitrogen requirements of the chosen crop.
- (5) The total loading shall not exceed the Phosphorus requirements of the chosen crop.

NA = Not applicable.

NL = No limit; monitor and report.

MGD = Million gallons per day.

S.U. = Standard units.

1/D = Once every day.

1/M = Once every month.

1/W = Once every week.

1/Y = Once every year.

1/3Y = Once every 3 years.

1/3M = Once every quarter.

$$SAR = \frac{Na}{\sqrt{0.5 (Ca + Mg)}}$$

Where: Na = Sodium in meq/L

Ca = Calcium in meq/L

Mg = Magnesium in meq/L

- (7) Reported on the 10<sup>th</sup> of January of the year following monitoring.
- (8) Freeboard shall be reported monthly regardless if a discharge occurs.
- (9) Effluent sampling for Total Residual Chlorine (TRC) shall be performed after storage and chlorination. 30 minutes of contact time is required.
- (10) Groundwater is to be monitored in accordance with the approved Groundwater Monitoring Plan dated April 2, 2004 or the most recent DEQ-approved Groundwater Monitoring Plan pursuant to Special Condition I.B.19 of this permit.

Quarterly sampling is to be conducted for the periods of January 1-March 31, April 1-June 30, July 1-September 30, and October 1-December 31. The results of quarterly analyses are to be submitted to DEQ for review with the monthly VPA Monitoring Report submitted on April 10, July 10, October 10, and January 10 for the preceding three month's performance.

Grab = An individual sample collected over a period of time not to exceed 15-minutes.

1/W

A. Total Residual Chlorine Limitations and Monitoring Conditions.

1. TRC shall be monitored at the outlet of the chlorine contact tank once per day after a 30 minute contact time.
2. No more than three (3) of all samples for TRC taken after 30 minutes of chlorine contact time shall be less than 2.0 mg/L for any one calendar month.
3. No TRC sample collected after the chlorine contact tank shall be less than 0.6 mg/L.

B. Special Conditions.

1. Prohibition of Point Source Discharge

There shall be no discharge of pollutants to surface waters from this operation except in the case of a storm event greater than a 25-year, 24-hour storm.

2. 95% Capacity Reopener

A written notice and a plan of action for ensuring continued compliance with the terms of this permit shall be submitted to the Department of Environmental Quality, Northern Regional Office (DEQ-NRO) when the monthly average flow influent to the sewage treatment plant reaches 95% of the design capacity authorized in this permit for each month of any three consecutive month period. The written notice shall be submitted within 30 days and the plan of action shall be received at DEQ-NRO no later than 90 days from the third consecutive month for which the flow reached 95% of the design capacity. The plan shall include the necessary steps and a prompt schedule of implementation for controlling any current or reasonably anticipated problem resulting from high influent flows. Failure to submit an adequate plan in a timely manner shall be deemed a violation of this permit.

3. Indirect Dischargers

The permittee shall provide adequate notice to the Department of the following:

- a) Any new introduction of pollutants into the treatment works from an indirect discharger that would be subject to Section 301 or 306 of Clean Water Act and the State Water Control Law if it were directly discharging those pollutants; and
- b) Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of this permit.
- c) Adequate notice shall include information on (i) the quality and quantity of effluent introduced into the treatment works and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the treatment works.

4. Operations and Maintenance (O&M) Manual Requirement

The permittee shall maintain a copy of the approved O&M Manual at the treatment works or at a central location that can be made available to Department personnel upon request. Future changes to the facility infrastructure or its operations must be addressed by the submittal of a revised O&M Manual within 90 days of the changes. Non-compliance with the O&M Manual shall be deemed a violation of the permit.

5. CTC, CTO Requirement

The permittee shall, in accordance with the *Sewage Collection and Treatment* Regulations at 9VAC25-790, obtain a Certificate to Construct (CTC) and a Certificate to Operate (CTO) from DEQ prior to constructing wastewater treatment works and operating the treatment works, respectively. Non-compliance with the CTC or CTO shall be deemed a violation of the permit.

6. Licensed Operator Requirement

The permittee shall employ or contract at least one Class IV licensed wastewater works operator for this facility. The license shall be issued in accordance with Title 54.1 of the Code of Virginia and the regulations of the Board for Waterworks and Wastewater Works Operators. The permittee shall notify the Department in writing whenever he is not complying or has grounds for anticipating he will not comply with this requirement. The notification shall include a statement of reasons and a prompt schedule for achieving compliance.

7. Reliability Class

The permitted treatment works shall meet Reliability Class I.

8. Site Specification

Wastewater shall be applied only to the designated 5.2-acre spray field.

9. Seasonal Application and Storage Requirements

Effluent shall be applied to the 5.2-acre spray field only from April 15 to November 15 of each year. This facility shall submit a Plan and Schedule for review and approval to DEQ-NRO in regard to the installation of additional storage and/or an alternative sewage disposal method within 90 days of this permit reissuance date. The approved Plan and Schedule shall be an enforceable part of the permit. Failure to provide adequate storage or proper disposal of sewage effluent during periods when spray irrigation cannot occur shall be deemed a violation of this permit.

10. Irrigation Scheduling

Application of wastewater to the spray field shall be based on the approved Irrigation Schedule; however, it cannot exceed the maximum application rates of 0.25"/hour, 1"/day, and 2"/week. The permittee shall provide a plan to DEQ within 90 days of this permit reissuance that outlines the scheduling tools to be used in determining irrigation rates and timing.

Hydraulic conductivity testing of the spray field soil shall be conducted annually between February 1 and April 15. Testing results and any subsequent changes to the irrigation schedule resulting from the testing, shall be submitted with the Monthly Summary Report due on May 10th of each year.

11. Rainfall Monitoring

Rainfall shall be measured at the Bristow Manor Golf Club in an open area (a minimum of 25 feet from any structure). Rainfall monitoring shall be conducted daily; the rainfall data shall be submitted with the monitoring report on the 10<sup>th</sup> day of each month. Failure to submit rainfall data shall be deemed a violation of the permit.

12. Nutrient Loading Rate

The annual Plant Available Nitrogen (PAN) application rate for the 5.2 acre spray site cannot exceed the Department of Conservation and Recreation, Virginia Nutrient Management Standards and Criteria maximum annual recommendation of 904 pounds/acre/year. Updated PAN application rate information and nitrogen fertilizer recommendations shall be submitted to the nutrient management planner and DEQ-NRO for approval within 90 days after a change in the type of grass grown on the spray field.

13. Nutrient Management Plan

A Nutrient Management Plan for the golf course compiled by a Nutrient Management Planner certified by the Commonwealth of Virginia shall be submitted to DEQ-NRO within six months of the permit reissuance date. All revisions to the Nutrient Management Plan shall be submitted to DEQ-NRO within 90 days of plan approval. The Nutrient Management Plan is an enforceable part of the permit; violations of the Nutrient Management Plan that affect the 5.2-acre spray field shall be considered violations of the VPA permit.

14. Vegetative Cover

The permittee shall maintain a viable turf cover on the 5.2-acre spray site through liming, fertilization, reseeding and weed control as necessary.

15. Operational Requirements

For all land treatment of wastewater, the following shall be required:

- a. There shall be no application of wastewater to the ground when it is saturated, frozen or covered with ice or snow and during periods of rainfall.
- b. The chosen method of wastewater application shall minimize human contact with the wastewater.
- c. Wastewater shall be prevented from coming into contact with drinking fountains, water coolers, or eating surfaces
- d. Application or irrigation systems used for land treatment of wastewater shall be designed, installed and adjusted to:

1. Provide uniform distribution of wastewater over the land treatment site;
2. Prevent ponding or pooling of wastewater at the land treatment site;
3. Facilitate maintenance and harvesting of the land treatment site and preclude damage to the application or irrigation system from the use of maintenance or harvesting equipment;
4. Prevent aerosol carry-over from the land treatment site to areas beyond the buffer zones described in Part I.C.18.; and
5. Prevent clogging from algae or suspended solids.

e. Any wastewater runoff shall be confined to the land application site.

16. Wind Restriction

Land Application of waste waters shall not occur during winds of sufficient strength to cause overspray or drifting of aerosols into or beyond the buffer zones.

17. Human and Animal Access

The irrigation site shall be adequately enclosed with suitable fencing and posted to prevent animal and human access. Within 90 days of the permit reissuance date, a Plan and Schedule for fencing and posting the spray site shall be submitted to DEQ-NRO for approval. The fencing and signage shall be installed within 180 days of approval of the Plan and Schedule. The Plan and Schedule shall ensure all fencing and signage is maintained. Failure to adequately install and maintain the signage and fencing is a violation of this permit.

18. Buffer zones

The following minimum buffer zones shall be maintained from the site of wastewater application to the features noted below.

a. Drinking water supply wells or springs	100
b. Occupied dwellings	100
c. Property lines	50
d. Surface water courses (including dry ditches)	50
e. All improved roadways	25
f. Rock outcrops (excludes limestone outcrops)	25
g. Limestone outcrops	50

19. Groundwater Monitoring

Within 180 days of the permit reissuance date, a revised Groundwater Monitoring Plan shall be submitted to DEQ for review and approval. The revised plan shall set forth the steps to be taken by the facility to ensure that the contamination source is eliminated or that the contaminant plume is contained.

The approved Groundwater Monitoring Plan is an enforceable part of the permit. Any future changes to this plan must be submitted for approval to DEQ-NRO. The permittee shall monitor the groundwater at the facility in accordance with the approved Groundwater Monitoring Plan.

20. Holding Pond Sludge Removal Plan/Holding Pond Liner Study

Within 90 days of the permit reissuance date, the permittee shall submit to DEQ-NRO for review and approval a Plan and Schedule for removal of sludge from the holding pond. Removal of sludge from the holding pond shall commence within 30 days of the approval date of the Plan and Schedule and shall be completed within 180 days of the approval date of the Plan and Schedule.

Within 90 days of the permit reissuance date, the permittee shall submit to DEQ-NRO for review and approval a Holding Pond Liner Study designed to evaluate the integrity of the holding pond liner that includes a chronological study

schedule. If the results of the Holding Pond Liner Study indicate leakage from the facility's holding pond is occurring, the permittee shall submit a Corrective Action Plan within 60 days of being notified by DEQ-NRO. The Corrective Action Plan shall set forth the steps to be taken by the permittee to ensure that the contamination source is eliminated or contained within 100 feet of the boundaries of the holding pond. Based on the extent of the contamination found to be present, a risk analysis may be required. Once approved, this Corrective Action Plan shall become an enforceable part of this permit.

21. Freeboard Requirements

All wastewater storage facilities shall maintain two feet of freeboard except during a 25-year, 24-hour storm.

22. Berm Maintenance

The wastewater pond berm shall be properly maintained through mowing, prohibiting tree and shrub establishment, and removing burrowing animals.

23. Materials Handling/Storage

Materials and waste products are to be stored in such a manner as to prevent their discharge to state waters.

24. Sludge Management Plan and Reopener

The permittee shall conduct all sewage sludge use or disposal activities in accordance with the approved Sludge Management Plan (SMP). Any proposed changes in the sewage sludge use or disposal practices or procedures followed by the permittee shall be documented and submitted for DEQ approval 90 days prior to the effective date of the changes. Upon approval, the revised SMP becomes an enforceable part of the permit. The permit may be modified or alternatively revoked and reissued to incorporate limitations or conditions necessitated by substantive changes in sewage sludge use or disposal practices.

25. Monthly Summary Report

A summary report of the previous month's activities as outlined in Part I.A of this permit shall be prepared and submitted to DEQ-NRO by the 10<sup>th</sup> day of the following month.

26. Annual Project Summary Report

An annual project summary report shall be prepared and submitted to DEQ-NRO by February 10 of each year and shall include the following:

- a. A summary of wastewater and groundwater monitoring data as outlined in Part I.A of this permit;
- b. The yearly water balance showing inputs to and drawdown from storage facilities and diversion to other means of disposal;
- c. The results of hydraulic conductivity testing conducted from February 1 to April 15 of the previous year;
- d. Any changes to the irrigation schedule resulting from revised hydraulic conductivity values, a change in storage, or addition of another means of sewage disposal;
- e. A description of the wastewater applied to the 5.2-acre field during the previous year to include the annual loading values specified in Part I.A of this permit;
- f. Any revisions to the Nutrient Management Plan that would affect the 5.2-acre spray field; and
- g. A general state of facility performance in regard to complying with the Virginia Pollutant Abatement Permit Requirement.

27. Report Certification

All monitoring reports submitted to DEQ-NRO shall include a signed VPA monitoring Report Certification.



28. Facility Closure Plan

At least 90 days prior to the termination of the pollutant management activities permitted by DEQ at this site, a plan shall be submitted to DEQ-NRO for approval to address liquid and sludge removal, odor control measures, structure and pipe removal, steps to prevent unauthorized access, fill materials, and final grading and seeding. The plan shall contain proposed dates for beginning and completing the work. Closure implementation cannot begin until the Closure Plan is approved by DEQ.

## CONDITIONS APPLICABLE TO ALL VPA PERMITS

### A. Monitoring.

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures listed under Title 40 Code of Federal Regulations Part 136, unless other procedures have been specified in this permit.
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.
4. Samples taken as required by this permit shall be analyzed in accordance with 1VAC30-45, Certification for Noncommercial Environmental Laboratories, or 1VAC30-46, Accreditation for Commercial Environmental Laboratories except for the following:
  - a. Field sample testing and measurements performed at the site where the sample is taken, are not subject to the requirements of 1VAC30-45 or 1VAC30-46; and
  - b. Tests, analyses, measurements or monitoring, using protocols established pursuant to §10.1-104.2 to determine soil fertility, animal manure nutrient content, or plant tissue nutrient uptake for the purposes of nutrient management.

### B. Records.

1. Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurements;
  - b. The name of the individual(s) who performed the sampling or measurements;
  - c. The date(s) and time(s) analyses were performed;
  - d. The name of the individual(s) who performed the analyses;
  - e. The analytical techniques or methods used, with supporting information such as observations, readings, calculations and bench data; and
  - f. The results of such analyses.
2. The permittee shall retain records:
  - a. Of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years or in the case of activities regulated under Part IX of the Virginia Pollution Abatement Permit Regulation (9VAC25-32-10 et seq.), at least five years from the date of the sample, measurement, report or application. This period of retention may be extended by request of the Board at any time.

- b. Related to biosolids data and information specified in agreements between generator, owner, agents, landowners and farmers. These records shall be described and maintained for a minimum period of five years or the duration of the permit or subsequent revisions if longer than five years.

C. Reporting Monitoring Results.

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after the monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to:

Department of Environmental Quality  
Northern Virginia Regional Office  
13901 Crown Court  
Woodbridge, Virginia 22193

2. Monitoring results shall be reported on forms provided or specified by the Department.
3. If the permittee monitors the pollutant management activity, at a sampling location specified in this permit, for any pollutant more frequently than required by the permit using approved analytical methods, the permittee shall report the results of this monitoring on the monitoring report.
4. If the permittee monitors the pollutant management activity, at a sampling location specified in this permit, for any pollutant that is not required to be monitored by the permit, and uses approved analytical methods, the permittee shall report the results with the monitoring report.
5. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to Provide Information.

The permittee shall furnish to the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking and reissuing, terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by the permittee. Plans, specifications, maps, conceptual reports and other relevant information shall be submitted as requested by the Board prior to commencing construction.

E. Compliance Schedule Reports.

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized Discharges.

Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of Unauthorized Discharges.

Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II F; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part II F, shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department, within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the Department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of Unusual or Extraordinary Discharges.

If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part II I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of Noncompliance

The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:
  - a. Any unanticipated bypass; and
  - b. Any upset which causes a discharge to surface waters.
2. A written report shall be submitted within 5 days and shall contain:
  - a. A description of the noncompliance and its cause;
  - b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
  - c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Board may waive the written report on a case-by-case basis for reports of noncompliance under Part II I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts II I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II I 2.

**NOTE: The immediate (within 24 hours) reports required in Parts II G, H, and I may be made to the DEQ Northern Regional Office at (703) 583-3800 (voice) or (703) 583-3821 (fax). For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.**

J. Notice of Planned Changes.

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the design or operation of the pollutant management activity.
2. The permittee shall give at least 10 days advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory Requirements.

1. Applications. All permit applications shall be signed as follows:
  - a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
  - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
  - d. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part II K 1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described in Part II K 1;
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
  - c. The written authorization is submitted to the Department.

3. Changes to authorization. If an authorization under Part II K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II K 2 shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.
4. Certification. Any person signing a document under Parts II K 1 or 2 shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to Comply.

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Compliance with a permit during its term constitutes compliance, for purposes of enforcement, with the State Water Control Law.

M. Duty to Reapply.

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. All permittees with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

N. Effect of a Permit.

This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State Law.

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part II U), and "upset" (Part II V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and Hazardous Substance Liability.

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Sections 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper Operation and Maintenance.

The permittee shall be responsible for the proper operation and maintenance of all treatment works, systems and controls which are installed or used to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures.

R. Disposal of solids or sludges.

Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to Mitigate.

The permittee shall take all reasonable steps to minimize or prevent any pollutant management activity in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to Halt or Reduce Activity not a Defense.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass.

1. Prohibition - Bypass means intentional diversion of waste streams from any portion of a treatment works. A bypass of the treatment works is prohibited except as provided herein.
2. Anticipated Bypass - If the permittee knows in advance of the need for a bypass, he shall notify the Department promptly at least 10 days prior to the bypass. After considering its adverse effects the Board may approve an anticipated bypass if:
  - a. The bypass will be unavoidable to prevent loss of human life, personal injury, or severe property damage ("Severe Property Damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production); and
  - b. There are no feasible alternatives to bypass such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. However, if bypass occurs during normal periods of equipment downtime or preventive maintenance and in the exercise of reasonable engineering judgment the permittee could have installed adequate backup equipment to prevent such bypass, this exclusion shall not apply as a defense.
3. Unplanned Bypass - If an unplanned bypass occurs, the permittee shall notify the Department as soon as possible, but in no case later than 24 hours, and shall take steps to halt the bypass as early as possible. This notification will be a condition for defense to an enforcement action that an unplanned bypass met the conditions in paragraphs U 2 a and b and in light of the information reasonably available to the permittee at the time of the bypass.



V. Upset.

A permittee may claim an upset as an affirmative defense to an action brought for noncompliance. In any enforcement proceedings a permittee shall have the burden of proof to establish the occurrence of any upset. In order to establish an affirmative defense of upset, the permittee shall present properly signed, contemporaneous operating logs or other relevant evidence that shows:

1. That an upset occurred and that the cause can be identified;
2. That the permitted facility was at the time being operated efficiently and in compliance with proper operation and maintenance procedures;
3. That the 24-hour reporting requirements to the Department were met; and
4. That the permittee took all reasonable steps to minimize or correct any adverse impact on state waters resulting from noncompliance with the permit.

W. Inspection and Entry.

Upon presentation of credentials, any duly authorized agent of the Board may, at reasonable times and under reasonable circumstances:

1. Enter upon any permittee's property, public or private and have access to records required by this permit;
2. Have access to, inspect and copy any records that must be kept as part of permit conditions;
3. Inspect any facility's equipment (including monitoring and control equipment) practices or operations regulated or required under the permit; and
4. Sample or monitor any substances or parameters at any locations for the purpose of assuring permit compliance or as otherwise authorized by the State Water Control Law.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is involved in managing pollutants. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit Actions.

Permits may be modified, revoked and reissued, or terminated for cause upon the request of the permittee or interested persons, or upon the Board's initiative. If a permittee files a request for a permit modification, revocation, or termination, or files a notification of planned changes, or anticipated noncompliance, the permit terms and conditions shall remain effective until the request is acted upon by the Board. This provision shall not be used to extend the expiration date of the effective VPA permit.

Y. Transfer of Permits.

1. Permits are not transferable to any person except after notice to the Department. The Board may require modification or revocation and reissuance of the permit to change the name of the permittee and to incorporate such other requirements as may be necessary. Except as

provided in Part II Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified to reflect the transfer or has been revoked and reissued to the new owner or operator.

2. As an alternative to transfers under Part II Y 1, this permit shall be automatically transferred to a new permittee if:
  - a. The current permittee notifies the Department at least 30 days in advance of the proposed transfer of the title to the facility or property;
  - b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
  - c. The Board does not, within the 30-day time period, notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit.

Z. Severability.

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.